

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KAROLE DENISE BURTON,	§	
FDC #03618-180,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-06-1824
	§	
OFFICER A. COLLIER, <i>et al.</i> ,	§	
Defendants.	§	

ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS

The plaintiff, Karole Denise Burton (#03618-180), is an inmate in custody of the United States Bureau of Prisons at the Federal Detention Center in Houston, Texas. She has filed a complaint in the nature of a suit under *Bivens v. Six Unknown Agents*, 403 U.S. 388 (1971), alleging violations of her civil rights by federal officials. The plaintiff has also filed a motion to proceed *in forma pauperis*. This case is governed by the Prison Litigation Reform Act (the "PLRA"), 28 U.S.C. § 1915(b), which requires impecunious prisoners to pay an initial partial filing fee. The PLRA also requires prisoners to pay thereafter the full balance of the filing fee. For complaints filed after April 9, 2006, such as the one in this case, the fee is \$350.

Accordingly, based on the supporting information attached to the plaintiff's motion, the Court **ORDERS** as follows:

1. The motion for leave to proceed *in forma pauperis* (Doc. #5) is **GRANTED**.
2. The plaintiff is assessed an initial partial filing fee of \$3.00. The agency having custody of the plaintiff shall collect this amount from the plaintiff's inmate trust fund

account or institutional equivalent, when funds are available, and shall forward it to the Clerk.

3. Thereafter, the plaintiff shall pay \$347.00, the balance of the filing fee, in periodic installments as required by 28 U.S.C. § 1915(b). The agency having custody of the plaintiff shall collect this amount from the plaintiff's trust account or institutional equivalent, when funds are available, and shall forward it to the Clerk.

4. The plaintiff is responsible for signing all consents and other documents required by the agency to authorize the necessary withdrawal from the plaintiff's inmate trust account or institutional equivalent.

5. Failure to pay the initial partial filing fee or to show that the plaintiff has insufficient assets or means by which to pay the initial partial filing fee within 30 days may result in a dismissal of the plaintiff's complaint without further notice.

6. Service of process will be withheld pending judicial screening pursuant to 28 U.S.C. § 1915A.

7. No amendments or supplements to the complaint will be filed without prior Court approval. A complete amended complaint will be attached to any motion to amend.

8. All discovery in this case is stayed until the Court enters an order to answer.

9. No motions for appointment of counsel shall be considered until the Court has completed its screening pursuant to 28 U.S.C. § 1915A.

10. The plaintiff must notify the court of any change of address by filing a written notice of change of address with the Clerk. Failure to file such notice may result in this case being dismissed for want of prosecution.

NOTICE TO THE PLAINTIFF:

A. Although you have been granted permission to proceed as a pauper, you must pay the full filing fee when funds are available under 28 U.S.C. § 1915(b). If you do not wish to pay the full filing fee, you must notify the Court in writing, by letter or motion, that you do not wish to prosecute this civil action. Your notice must be mailed within 30 days of the date of entry of this order.

B. Payment of all or any part of the full filing fee will not prevent dismissal of the complaint if it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. If the case is dismissed on any of those grounds before payment of the entire filing fee, the plaintiff must still pay the entire filing fee. When a prisoner has had three or more prior actions or appeals dismissed for being frivolous, malicious, or failing to state a claim upon which relief may be granted, federal law prohibits the prisoner from bringing any more actions or appeals *in forma pauperis* unless the plaintiff is in imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g).

The Clerk shall provide a copy of this order to the parties and to the United States Bureau of Prisons, Federal Detention Center, Attn: Legal Department, P.O. Box 526245, 1200 Texas Avenue, Houston, Texas 77052-6245.

SIGNED at Houston, Texas, on June 9, 2006.



Nancy F. Atlas
United States District Judge